

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	
	:	Case No. 23-21150-CMB
WILLIAM H. PLETCHER, JR. and	:	
JACLYN R. PLETCHER,	:	Chapter 13
	:	
Debtors.	:	
	:	
WILLIAM H. PLETCHER, JR. and	:	
JACLYN R. PLETCHER,	:	Related to Doc. Nos. 2 and 21
	:	
Movants,	:	
	:	
v.	:	
	:	
ALLY BANK,	:	
	:	
Respondent,	:	
	:	
and	:	
	:	
RONDA J. WINNECOUR,	:	
	:	
Trustee.	:	

AMENDED STIPULATION AND CONSENT ORDER
RESOLVING ALLY BANK’S OBJECTION TO CONFIRMATION
OF DEBTORS’ CHAPTER 13 PLAN DATED MAY 26, 2023

Ally Bank (“**ALLY**”), by and through its undersigned counsel, Tucker Arensberg, P.C., and with the consent of the Debtors, William H. Pletcher, Jr. and Jaclyn R. Pletcher (the “**Debtors**” and together with ALLY, the “**Parties**”), hereby file this Amended Stipulation and Consent Order Resolving Ally Bank’s Objection to Confirmation of Debtors’ Chapter 13 Plan dated May 26, 2023, which was filed by ALLY on June 19, 2023, at Doc. No. 21, and in support thereof, stipulate as follows:

WHEREAS, on May 26, 2023 (the “**Petition Date**”), the Debtors filed a petition for relief under chapter 13 of title 11 of the United States Code, 11 U.S.C. § 101, *et seq.* (the “**Bankruptcy Code**”);

WHEREAS, prior to the Petition Date, Debtor William H. Pletcher Jr. and Co-Debtor Jeremiah Pletcher purchased a 2014 Chevrolet Silverado 1500 Crew Cab High Country 4WD 5.3L V8 (V.I.N.

3GCUKTEC1EG469780) (the “**Vehicle**”) pursuant to a Retail Installment Sale Contract dated September 30, 2019, in the original principal amount of \$30,838.00;

WHEREAS, ALLY is the holder of a security interest in the Vehicle, which interest has been perfected through notation on the Vehicle’s Pennsylvania Certificate of Title;

WHEREAS, as of the Petition Date, the total amount of ALLY’s claim was \$16,854.40 (the “**Claim**”);

WHEREAS, the Debtors’ chapter 13 plan dated May 26, 2023 (the “**Plan**”) identifies ALLY as holding a secured claim of \$17,307.00 to be paid at 6.00% interest (Doc. No. 2);

WHEREAS, ALLY filed an Objection to the Plan based upon its treatment of ALLY’s Claim (the “**Objection**”) (Doc. No. 21);

WHEREAS, to resolve the Objection, the Parties have agreed to the terms set forth below.

AND NOW, based upon the foregoing, and with the Parties intending to be legally bound, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. ALLY shall hold a secured claim in the amount of \$16,854.40 to be paid at an interest rate of 7.00%.
2. Any order of Court confirming the Debtors’ chapter 13 plan dated May 26, 2023, shall incorporate the terms of this Stipulation and Consent Order as it relates to ALLY’s Claim.
3. If the Debtors file an amended chapter 13 plan, any subsequent chapter 13 plan shall incorporate the terms of this Stipulation and Consent Order as it relates to ALLY’s Claim.
4. ALLY shall retain its lien on the Vehicle until the Debtors’ chapter 13 plan has been fully completed or until ALLY has been paid the full amount to which it is entitled under applicable non-bankruptcy law, whichever occurs earlier.
5. Upon payment in accordance with these terms and successful completion of the chapter 13 plan by the Debtors, ALLY shall release its lien on the Vehicle.
6. This terms of this Stipulation and Consent Order may not be modified, revised, altered or changed to any extent, without the express written consent of both ALLY and the Debtors.

7. This Court shall retain jurisdiction over this matter to enforce the terms of this Stipulation and Consent Order.

SO ORDERED:



CARLOTA M. BÖHM, JUDGE
U.S. BANKRUPTCY COURT

dmk

CONSENTED TO BY:

/s/ Daniel R. White

Daniel R. White, Esq.
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ZEBLEY MEHALOV & WHITE p.c.
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Counsel for Debtors

Dated: July 27, 2023

/s/ Maribeth Thomas

Maribeth Thomas, Esq.
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TUCKER ARENSBERG, P.C.
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Pittsburgh, PA 15222
Phone: 412-594-3949
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Counsel for Ally Bank.

Dated: July 27, 2023

/s/ James C. Warmbrodt

James C. Warmbrodt, Esq.
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Counsel for Chapter 13 Trustee

Dated: July 27, 2023

FILED
7/28/23 11:36 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
William H. Pletcher, Jr.
Jaclyn R. Pletcher
Debtors

Case No. 23-21150-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jul 28, 2023

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 30, 2023:

Recip ID	Recipient Name and Address
db/jdb	+ William H. Pletcher, Jr., Jaclyn R. Pletcher, 137 Redstone Furnace Road, Hopwood, PA 15445-2113

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 30, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 28, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor LAKEVIEW LOAN SERVICING LLC bnicholas@kmlawgroup.com
Daniel R. White	on behalf of Joint Debtor Jaclyn R. Pletcher lori@zeblaw.com;r63228@notify.bestcase.com;elisa@zeblaw.com
Daniel R. White	on behalf of Debtor William H. Pletcher Jr. lori@zeblaw.com;r63228@notify.bestcase.com;elisa@zeblaw.com
Maribeth Thomas	on behalf of Creditor Ally Bank c/o AIS Portfolio Services, LLC mthomas@tuckerlaw.com, maribeth.thomas@gmail.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Jul 28, 2023

Form ID: pdf900

Total Noticed: 1

TOTAL: 6